The Uintah Basin Standard

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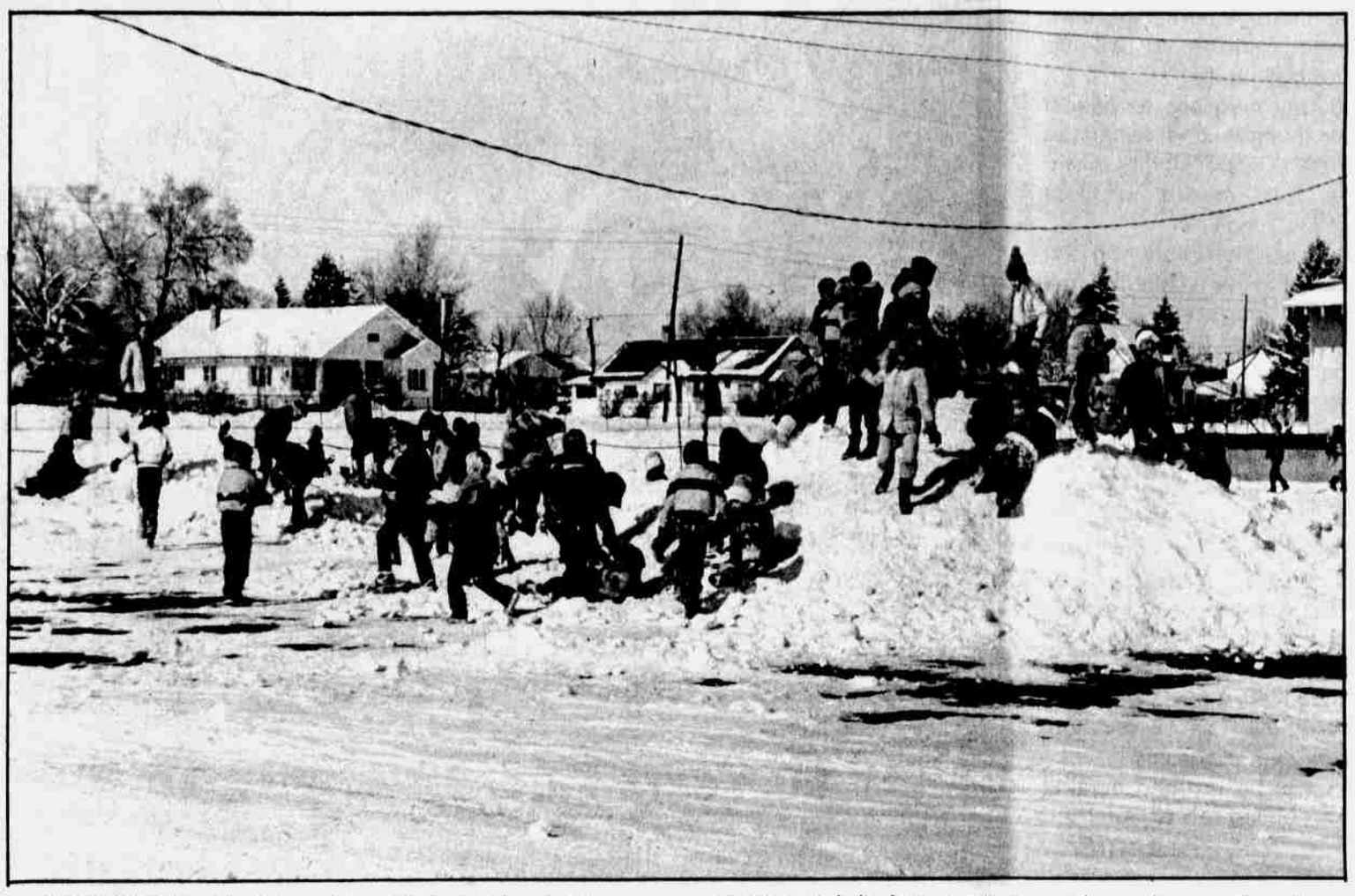


KING OF HILL—The king of the hill holds the position at the top while the rest of the competitors struggle up the snowmound before getting pushed down. There's plenty of snow for such games this year.

JURISDICTION

Now we wait for a decision

Thursday morning, January 24, the 10 Circuit Court of Appeals met to rehear the Ute Tribe versus the State of Utah jurisdiction case.

The delegation from the State of Utah and Uintah Basin Counties was outnumbered by Tribal members attending the hour session. Tribal Attorney Dan Isreal argued the case for the Ute Tribe, stating that in light of the recent Supreme Court Case, Solem vs Bartlett, the Uintah and Uncompaghre Reservations should be brought back under Tribal jurisdiction. Tom Tobin, arguing for the Counties, took his time to point out to the judges that the history and facts of the Bartlett case differ from the Ute Tribe case and the previous ruling of the Appeals Court should stand. The previous decision being the Tribe should have jurisdiction over trust lands but not over the original boundaries of the reservation.

Also present and arguing on behalf of the State of Utah was Dallan Jensen, of the Attorney General's office. The State took two positions during the eight year history of the case. One being consistant with the Counties stand, that the Tribe should be jurisdictionally confined to the trust lands; and the other being that the Uintah Reservation has clearly been diminished and the Uncompaghre disestablished.

Representing the Basin interests were Duchesne County Commissioners Alton Moon, Ted Kappen and LeGrand Gilbert; Duchesne County Attorney Dennis Draney; Roosevelt Police Chief Cecil Gurr; a couple of Uintah County Commissioners and Uintah County Planner, and unofficial historian on the case, Robert Hugie.

Hugie is a trained historian that works as a planner and has been studying the history and congressional intent of this case. He claimed that at the turn of the century the authors of the allotment act were clearly deminishing the reservations because "there was no other interpretation to do it another way." After researching the historical side of the case, and providing the County's side of the argument some historical input, he states he isn't sure which way the Court will decide the case.

Just as the 30 or so members of the Ute Tribe that went to Denver for the case, and the deligation from the State's side of the case; we are all going to have to wait until the written decision comes down as to what will happen, jurisdiction-wise, on the Ute reservation.

MIXED-BLOODED UTES

Rights to hunt/fish retained

by Robert Green

When it comes to hunting and fishing, mixed-blooded Ute Indians will be treated as full Tribal members, thanks to Oranna Felter, who contested a citation.

Oranna Felter, a mixed-blooded Ute living in Roosevelt, was busted for fishing without a tribal license at Bottle Hollow Reservoir on June 6, 1980.

She claimed the citation was issued unjustly; and so she met the Ute Tribe in court.

After five years of legal battle, the Federal Court ruled that mixed blooded Utes have the same hunting and fishing privileges as full-bloods on the reservation.

The decision was announced on Wednesday, January 23, by the Tenth Circuit Court in Denver in the case United vs Felter.

The hunting privileges of mixed-bloods in the Ute Tribe came into question because of a law that Congress passed back in 1954, which terminated the status of Utes with mixed-blood of half or more.

When the Termination Act was passed, however, Congress didn't specifically include language that took away the hunting and fishing privileges of mixed-bloods.

Therefore, Oranna Felter didn't think she ever needed a license to fish on the reservation. She had been fishing on the shores of Bottle Hollow ever since she was a little girl without the worry of a certified piece of paper.

After all, only Non-Tribal members had been required to purchase licenses to hunt and fish on the Uintah and Ouray Reservation.

Ms. Felter asserted all along that she retained her natural rights to hunt and fish on Indian Land, so when she was issued a citation, she looked up a lawyer.

She found Kathy Kollard to represent her, and they met the Ute Tribe in court in 1980 for the first time.

At her first appearance before a magistrate, Ms. Felter did not deny fishing at the time and place without a license. Instead, she contended that her rights to fish and Bottle Hollow were not abrogated by the 1954 Act, and therefore, she never needed a license in the first place.

Well the magistrate didn't agree with her and ruled that the 1954 Act terminated the right of mixed-blooded Utes to hunt and fish on the reservation.

Ms. Felter appealed the magistrates decision and went right on fishing at Bottle Hollow. But many of her mixed-blooded friends were afraid to fish without a Non-Tribal license.

Ms. Felter appealed the case to Federal District Court under Judge Bruce Jenkins. He reversed the earlier decision on the grounds that the Termination Act remained silent on hunting and fishing rights.

The intent of the Termination Act was to divided Tribal assets between mixed-bloods and full-bloods where a practical and equitable distribution was possible.

All assests which could not be fairly divided were to remain in common interest with mixed-bloods and the Tribal membership.

The District Court, therefore, ruled the Termination Act didn't take away hunting and fishing rights because these rights were not susceptible to distribution.

The government appealed, and the case went to the Tenth Circuit Court in August of 1983. Last Wednesday, the Tenth Circuit Court's opinion came out in favor of Ms. Felter. The Tenth Circuit Court upheld the right for mixed-bloods to keep hunting and fishing rights on the reservation.

In the court's opinion, the right to hunt and fish on reservation land is a long established tribal right.

Continued on page 3

Hepitatis-A outbreak over

Rand Webb, Director of the Uintah Basin Health District, stated the recent outbreak of type-A hepitatis in the Basin is apparently under control.

Since the first of September there have been 42 cases of type-A hepitatis reported in the Uintah Basin. 38 were in Vernal, three in Roosevelt and one in Lapoint. The normal average for the same period, Webb said, is six.

They have been unable to tie all of the cases together to one source, Webb stated. Although the first case apparently came into the area from New Maxico, although one case had been traced through four generations, and although a couple of the cases were food handlers, no common tie is apparent in all cases.

All of the water systems have been ruled out as possible sources, he stated. "Besides," Webb pointed out, "they are too scattered for any one water system to be the source."

Webb feels the "outbreak", as he termed it, is stopped now. Last week they didn't have any further cases reported. The week before that they only had two and the week before that they had eight, so it seems to have run out. Webb also credits the 250 gamagobulan shots they administered as being one deterant.

Type-A hepitatis is derived from a virus found in human fecal material being introduced into the oral portion of the body. Common situations of this type would be from sewer workers, changing babies diapers, and other close household contacts. Prevention of this type of disease is via good hand washing and personal hygiene habits, Webb said.

Since the virus lives for only short periods outside the body, the chances of contracting the disease is slim, but is serious when it hapens, he said.

With the outbreak halted, Webb feels the danger for the Basin residents has passed.

Contestants trying for Jr. Miss honors

The Jr. Miss for the Roosevelt area will be selected at a Pageant on Saturday, February 2, at 8 p.m. at Union high school.

Eight girls have qualified as contestants and will be trying for the honors. They are Lori Vernon, Kellie Brown, Tricia Ames, Christine Anderson, Jayne Shelley, Jodalee Carter, Tara Gale and Korrie Henderson.

Tricia Ames

She has been the lead in a school play, cheerleader and drill team officer. She was in the academic decathalon and named the track athlete of the year. She also participated in drama and forsenics. She is the daughter of Bert and Charlotte Ames. She plans to go into psychology at Utah State.

Jodalee Carter

She was a state finalist for Miss United Tennagers. She is also involved in the Deca Club, dance and Future Homemakers of America. She is the daughter of Shirl and Zelda Carter. Her career plans include becoming a registered nurse and attending Dixie College.

Cristine Anderson

She has participated in drama, forensics, dance, drill team, chorus and academic decathalon. She was also a cheerleader. Her parents are Sharon and Lorna Anderson. Her career plans include dance education or music.

Jayne Shelley

She has been a class officer, member of forensics, drill team, drama and FHA. She has been a cheerleader, secretary of the National Honors Society and second attendent to Miss Duchesne County. She is the daughter of Norman and Karen Shelley and has plans to be a registered nurse.

Tara Gale

She has been involved in drill team, drama, Future Homemakers of America and the Ski Club. She was the president of Dance Company and a member of the National Honor Society. She is the daughter of John and Ruby Gale. Her choice of attending college is Utah State.

Lori Vernon

She has participated in gymnastics and cheerleading. She has won a national science merit award and a cheerleading award. She was junior class President. Her parents are Glen and Lorraine Vernon. Her career ambitions are to become an interior designer.

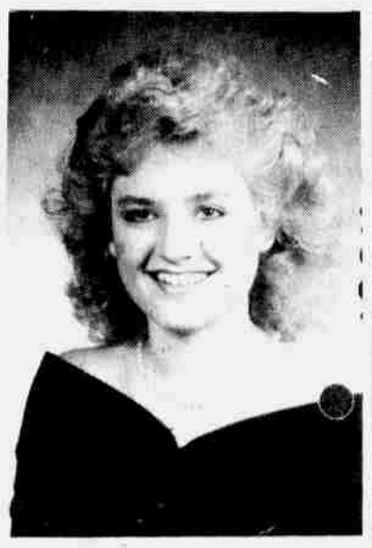
Korrie Henderson

She is a varsity wrestling cheerleader, Ski Club vice president and a member of the volleyball team. She has been involved in basketball, class officer and drill team. She is the daughter of Robert and Deanna Henderson. Her career ambitions are to become a teacher of special ed.

Kellie Brown

She has played basketball, volleyball and participated in the drill team. She was a finalist at Miss FFA and won awards in Who's Who, leadership, business and science. Her parents are Allen and Jeanie Brown. BYU is the college of her choice.

Kellie Brown



Jayne Shelley

Korrie Henderson

Jodalle Carter

Lori Vernon

Tricia Ames

Tara Gale

Cristine Anderson

Cross country skiing

Roosevelt City Parks and Recreation Department in conjunction with the newly formed Uintah Basin Winter Sports Association would like to advertise a cross country ski class and activities.

This is a popular growing sport and the City would like to determine the interest in such a class and program in the area. If you would be interested in such a class or activity, please call Roosevelt City at 722-5001 or 722-4877 and leave your name and telephone number.

Also, if you are interested in helping organizing or instructing classes, please let us know. We would also appreciate any suggestions covering types of activities or programs you would like.

Any further questions, contact Mutt, Jolie or George at 722-5001 or 722-4877.

Weather

In one word the weather is going to be C-O-L-D! With only a partly cloudy forecast, after Wednesday's storm moves out, the rest of the forecast isn't very happy at all -- except for polar bears. Predicted highs will reach all the way up to zero and the lows will be around minus 20, or below. The playground may not be too used this week. Say anyone for hibernating until spring?

Legislative Report

By Alarik Myrin

This week the legislature had some meetings on the flood problems on the Great Salt Lake. It seems that most of the engineering studies and long range weather forecasts dictate that diking along the east and south shores of the lake be undertaken immediately to protect public health and safety items including the interstate highways. The pumping to the West Desert is close on the heels of the diking proposals.

The House of Representatives is taking a position that flooding costs should be paid out of the 1/2 percent sales tax which was put on to meet the disaster flooding needs we have had the last few years. Thus the House position to date is that we should not bond to pay for flood costs. I support that position.

We have heard in the news that this house position will require cuts in the other programs of the state. The cuts should be called a reduction in the proposed increases of the budgets. For example public education is programmed for an increase of $100 million above the cost of last years program including the growth of new students. Under the above mentioned program the increase would only be $85 million. It takes approximately $25 million to fund the new students. From this you can see there is still a substantial increase in the ongoing programs.

Back to the Flooding problem the majority of water which comes into the lake comes from the Bear River drainage. One part of the program which I think is important is to develop storage projects and use that water before it reaches the lake. This water could eventually be diverted down through the Wasatch Front to Central Utah. This holds some promise for the areas which contribute water to the Central Utah Project especially the Uintah Basin. If the Bear River contributes to the Wasatch Front and Central Utah it should leave more water for development closer to where it originates. These are parts of a state water plan which is finally being formulated, much better than having the federal government doing it for us.

Man indicted on false tax return

A Federal Grand Jury in Salt Lake City yesterday returned a nine-count indictment against Alfred R. (Buck) Carter, formerly of Neola, Utah. The indictment alleges that Carter aided and assisted other individuals in an attempt to claim false deductions for contributions on their Federal income tax returns when, in fact, no such contributions had been made.

The false deductions were discovered when agents of the Internal Revenue Service noted large deductions claimed for contributions to the Universal Life Church. After checking with the individuals involved, it was found that little or nothing had actually been contributed to the ULC.

Ute Tribe

Continued from page 1

And the 1954 Act does not contain provisions specifically treating the right to hunt and Fish.

The Court also ruled the citation can not be sustained due to the fact that Ms. Felter was not violating an applicable Tribal regulation at the time.

The US Government is not expected to appeal the case to the Supreme Court said Kollard. Ms. Felter's court costs were paid with donations from mixed-blooded Utes. Over 70 of Ms. Felter's associates pitched in to help pay for the attorney fees, which have so far mounted to $6,500.

Appaloosa club held banquet

The Uinta Basin Appaloosa horse club had their annual year end award banquet at the El Cid in Duchesne last Saturday evening January 19. Club members enjoyed a buffet dinner and, following the meal, Vice President Joyce Rossiter presented awards earned by members during 1984. Winning 12 awards for showing in Appaloosa horse club approved shows was C.J. Jackson from Silt Colorado. His awards were accepted for him by Don Griggs. Also receiving an award for 1982 stallions was Jean Kenney from Rangely, Colorado.

In the saddle log division, awards were won by Joyce Rossiter, Pam Smith, Jennifer, Kimberly and Chico Capwell. Parade awards were won by Joyce Rossiter, Fred Jones, Nancy Meiure, Peggy, Chico and Jennifer Capwell and Kate Hallie.

After the award ceremony, elections were held for 1985 officers. Joyce Rossiter was elected president and Dale Trainor vice president. Board members elected are Rob and Kathleen Pyle, and Toni Hallie. In other business the By Laws were amended to allow a youth member to be a member of the board of directors with full voting rights.

The purpose of the club is to increase public awareness of the horse as a healthful means of recreation, to stimulate horse oriented youth activities and promote the Appaloosa horse. Anyone can become a member of the club and new members are always welcome. For more information contact Joyce Rossiter at 646-3341 or any board member. A special thanks to the El Cid for providing the place to meet and an excellent buffet dinner.

Arrests made on Gulf Oil theft

Arrests have finally resulted from the April 30 report of a break in and theft from Gulf Oil totaling about $25,000.

Partick J. Hackford, 24, and Joseph L. Lane, 29, have been arrested and each face four counts of felony burglary and theft. Another warrant has been issued but the suspect named in the warrant has not been apprehended, stated Duchesne County Sheriff's Deputy Jerry Foote.

Deputy Foote and Tim Wall have been investigating the case since April and have been aided by retired California Highway Patrol Officer Blaine Pectol of Roosevelt and Gulf Security officers Tome Hoage and Mike Naumowich.

Because of information developed by these men, the FBI has just agreed to assist in the case, looking into the interstate transportation and sale of some of the stolen items.

Items reported stolen from Gulf Oil in April included several drilling bits, 41 truck tires and four batteries, valued at $24,750.

Hackford was also charged Monday afternoon with the first degree felony count of being a habitual criminal, stated Deputy Foote.

Both Foote and Wall stated there will be other arrests and charges stemming from this case in the near future.

Wanted man is captured

A combined effort of Duchesne County Sheriff's Department, Roosevelt Police Department and Utah Highway Patrol resulted in the apprehension of a man wanted in Alaska for sexual assault.

29 year old Charles T. Bert was a man wanted in Alaska for sexual assault and was under $50,000 bond. An anonymous call to Deputy Jerry Foote stating that this man was in the Roosevelt area brought Jerry Payne of RPD and Lloyd Mecham of UHP into the search.

Bert was stopped Friday morning near Roosevelt and arrested. He is being held in the Duchesne County Jail until extradiction proceedings, back to Alaska, have been finalized.

Sheriff Clair Poulsen stated that the rap sheet of Bert showed his first charges were filed in 1974 in Duchesne County, "so he has been in the area before." He said the man had been known to be in the area last spring but they were unable to actually confront him at that time. This time was different.

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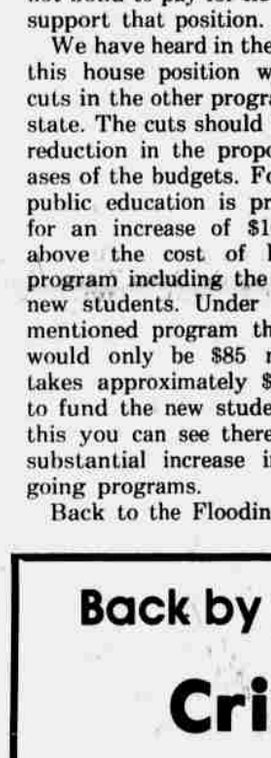

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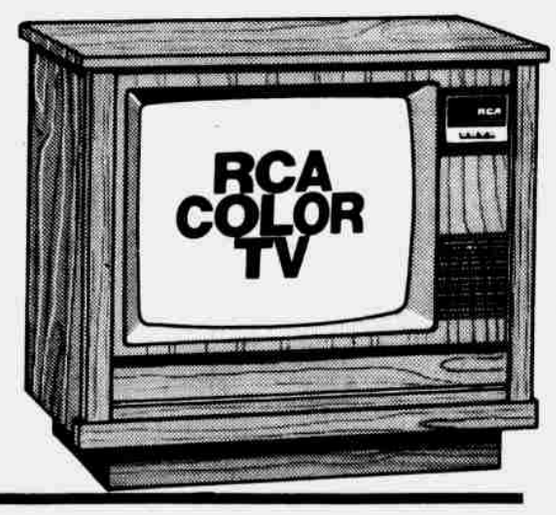

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